

REMARKS

The Office Action of April 14, 2003, has been carefully reviewed. No prior art has been applied. The claims in the application are now claims 2-4, 6, 7, 11, 13, 14 and 20-23, and these claims are believed to be in condition for allowance consistent with what is stated in the Office Action. Accordingly, applicants respectfully request favorable consideration and early formal allowance.

Claims 2-4, 6, 7, 11-14 and 20-23 have been rejected under the second paragraph of Section 112. This rejection is respectfully traversed.

The examiner's helpful suggestion has been adopted with respect to claims 20-22, and claims 3 and 4 have been similarly amended. These amendments should obviate the rejection with respect to all of claims 3, 4, 6, 7, 11, 13, 14 and 20-22.

Claims 2 and 23 have been amended to delete reference to the complimentary nucleotide sequence. This should obviate the rejection insofar as it applies to claims 2 and 23, as understood from the text of the rejection.

Claim 12, improperly dependent from cancelled claim 1, has now been deleted. For the record, reference to claim 1 in claim 12 was a typographical error, and claim 12 was

intended to depend from claim 11. However, as claim 12 is unnecessary, it has been deleted without any intention of deletion of its subject matter which is believed to be entirely encompassed by claim 11.

For the record, applicants respectfully submit that the claims as previously submitted, particularly when considered in light of applicants' specification (fully consistent with the law), would not have been confusing to those skilled in the art, and therefore the claims in their previous form were fully in accordance with Section 112. At worst, the rejected claims in their previous form might be considered objectionable, but only as to form.

Consequently, the amendments made above are cosmetic amendments, i.e. amendments of a formal nature only, made to place the claims in better form consistent with U.S. practice or the examiner's understanding thereof. The amendments are not "narrowing" amendments; no limitations have been added and none are intended.

Applicants respectfully request withdrawal of the rejection.

Claims 7 and 11 have been rejected under the first paragraph of Section 112. This rejection is respectfully traversed.

The rejection states that the specification does not enable any person skilled in the art to make or use the invention commensurate in scope with claims 7 and 11, while the specification is enabling for (1) a host which is a cultured cell or non-human animal, and (2) a process of producing and collecting a desert hedgehog protein by expression a transformed DNA encoding a desert hedgehog protein human origin which has been inserted into an autonomously replicable vector and introduced into a cultured cell.

In deference to the examiner's views, the applicants have amended claims 7 and 11 to restrict "appropriate host" to "appropriate host cell derived from a microbe, plant or animal". It is believed that the specification clearly enables the invention commensurate in scope with the amended claims 7 and 11.

Applicants respectfully request withdrawal of the rejection.

As noted above, Paper No. 16 contains no prior art rejections. Applicants accordingly understand that the PTO considers applicants' claims to define novel and unobvious subject matter under Sections 102 and 103.

Applicants believe that all issues have been resolved, and consequently applicants respectfully request favorable consideration and early formal allowance.

Respectfully submitted,

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